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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,779	04/02/2004	Christopher W. Wesley	10005.001020	9971
61081	7590	11/01/2007		
CLARIA CORPORATION c/o HAYNES BEFFEL & WOLFELD LLP P.O. BOX 366 751 KELLY STREET HALF MOON BAY, CA 94019			EXAMINER SAN JUAN, MARTINJERIKO P	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/816,779	Applicant(s) WESLEY ET AL.	
	Examiner Martin Jeriko P. San Juan	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a response to a Non-Provisional Application filed on April 2, 2004.

This application is a Continuation in Part of 10/434405 filed on May 8, 2003. Application 10/434405 claims benefit of Provisional Application 60/457391 filed on May 25, 2003.

Claims 1-24 are currently pending.

Claim Objections

Claims 2-3, 9-10, 11-13, 15, 17-18, and 22 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims do not pass the Infringement Test. Refer to MPEP 608.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1, 3-8, 11, 13-14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kou et al. [US 7216236 B2] hereinafter Kou, and further in view of Glass et al. [US 5745714] hereinafter Glass.

Regarding claim 1, Kou teaches a method of controlling access to a website, the method comprising: receiving a request for a web page from a client computer [US 7216236 B2, Fig 4a, Itm 80]; searching the client computer for a pass to the website [US 7216236 B2, Col 9, Ln 35-39]; and if the client computer does not have a pass to the website [Examiner notes that client computer absent of valid cookies read on client computer not having a pass to the website.], the content being requested will be blocked [US 7216236 B2, Col 7, Ln 49-54 – Examiner notes the transient nature of cookies.] [US 7216236 B2, Fig 4a, Itm 88].

Kou does not explicitly teach wherein blocking the website comprise setting a blocking layer having an opaque portion over the website such that an end-user on the client computer cannot interact directly with the website.

Glass teaches a method of blocking objects/contents in a graphical user interface (GUI) comprising setting an opaque portion [US 5745714, Col 5, Ln 39] over the GUI such

that an end-user on the client computer cannot interact directly with the objects/contents of the GUI [US 5745714, Col 2, Ln 1-15 – The examiner notes that a website is a Graphical User Interface comprising of objects/contents that users interact with.].

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Glass' method of using opaque portions/layers to block objects/contents of a website into Kou's invention. The suggestion/motivation for combining would have been to have a system for associating objects/contents of graphical user interface with a visually perceptible enclosure [US 5745714, Col 1, Ln 60-67]. Glass is an analogous art because it solves the problem of associating objects/contents with a visually perceptible enclosure.

Regarding claim 3, Kou and Glass teach the method of claim 1 further comprising: if the client computer has a pass to the website, allowing the end-user to interact with the website instead of setting the blocking layer over the website [US 7216236 B2, Fig 5b Itms 156, 174].

Regarding claim 4, Kou and Glass teach the method of claim 1 wherein at least a portion of the blocking layer is transparent and allows viewing of portions of the website [US 5745714, Col 5, Ln 39].

Regarding claim 5, Kou and Glass teach the method of claim 1 wherein the blocking layer blocks a majority of the website from view and prevents the end-user from interacting with any portion of the website [US 5745714, Fig 6].

Regarding claim 6, Kou and Glass teach the method of claim 1 wherein the pass to the web site comprises a cookie [US 7216236 B2, Col 7, Ln 49-54].

Regarding claim 7, Kou and Glass teach the method of claim 1 wherein searching the client computer for a pass to the website comprises looking for a cookie at the client computer and examining the cookie at the client computer [US 7216236 B2, Col 9, Ln 35-39].

Regarding claim 8, Kou and Glass teach the method of claim 1 wherein the blocking layer allows the end-user to view a portion of the website but does not allow the end-user to activate a link on that portion [US 5745714, Col 5, Ln 41 – Enclosure is transparent or translucent].

Regarding claim 11, Kou and Glass teach the method of claim 1 further comprising: if the client computer does not have a pass to the website [US 7216236 B2, Col 6, Ln 49 – Client computer absent of a valid cookies with the “Registered” user type identifier reads on client computer not having a pass to the website.], displaying an offer to gain access to the website [US 7216236 B2, Col 11, Ln 50-53]; and if the end-user does not

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accept the offer to gain access to the website, providing the client computer temporary access to the website [US 7216236 B2, Col 7, Ln 1-5].

Regarding claim 13, Kou and Glass teach the method of claim 1 further comprising: if the client computer does not have a pass to the web site, displaying an offer to gain access to the website; and if the end-user accepts the offer to gain access to the website, providing the client computer regular access to the web site [US 7216236 B2, Col 11, Ln 50-53].

Claims 14, 16, and 17 are rejected because it is the same subject matter as claims 1, 3, and 11 respectively. [Examiner notes that document reads on objects/contents or web pages. Also, Examiner notes that any user-interface provides objects/contents for the users.]

Claim 18 is rejected because it is still the same subject matter as claim 11.

Regarding claim 19, Kou and Glass teach the method of claim 14 wherein the document comprises a web page [US 7216236 B2, Fig 1] and the server computer is hosting a website [US 7216236 B2, Fig 1].

2. Claims 20-21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kou et al. [US 7216236 B2] hereinafter Kou, Glass et al. [US 5745714] hereinafter Glass, and further in view of Gilbert [US 6968385 B1].

Regarding claim 20, Kou and Glass teach a system for controlling access to a server computer, the system comprising: a second server computer including a document downloadable over a computer network, the document including a reference to a filter code [US 7216236 B2, Col 6, Ln 31-55 – It is inherent that there will be code to process user identifications and access codes/values (being cited) which would read on filter code] configured to determine if a client computer has a permission to access documents on a website; the same server computer including a blocker code, the blocker code being configured to control access to documents on the website [US 7216236 B2, Col 13, Ln 10 thru Col 14 Ln 5] [US 5745714, Col 5, Ln 43-63] [Examiner notes that codes for implementing cookie verifications, and the blocker layer read on blocker code.]; and a client computer configured to receive the document and the filter code [US 7216236 B2, Fig 1, Itm 16], the filter code being configured to pull the blocker code from the second server computer to the client computer [Examiner notes that it is inherent that such a blocker code would have to originate from the server where the request is being processed, in this case, it would have to come from the server that hosts the website, which is the said second server.] if the client computer does not have permission to access documents on the website, the blocker code being configured to

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run in the client computer to block the computer from accessing documents on the website [US 5745714 Col 5, Ln 50-63].

Kou does not explicitly teach that a separate server computer, the first server computer, that includes said document.

Gilbert teaches a first server computer that includes said document. [US 6968385 B1, Fig 1, Itm 20] [US 6968385 B1, Col 4, Ln 22-34] [Examiner notes that the first server computers belong to the merchants providing services, information, and goods to subscribers.].

It would have been obvious to one of ordinary skill in the art at the time of invention to have a first server computer that includes the said document as taught by Gilbert. The suggestion/motivation would have been to expand the model of Kou to accommodate electronic commerce in which web servers host various websites, goods, services coming from the various merchants that provide services, information, and goods to subscribers [US 6968385 B1, Col 4, Ln 22-34]. Gilbert is analogous art because it is in the same field of controlling access to a server.

Regarding claim 21, Kou, Glass, and Gilbert teach the system of claim 20 wherein the blocker code is further configured to offer an end-user on the client computer regular access to documents on the website [US 7216236 B2, Col 13, Ln 21-66].

Regarding claim 23, Kou, Glass, and Gilbert teach the system of claim 20 wherein the filter code is stored in the first server computer [US 6968385 B1, Col 4, Ln 28-29 -- Examiner notes that the filter codes would have been stored in the first server computer if merchants assign each subscriber a user identification code and an access code.].

Regarding claim 24, Kou, Gilbert and Glass teach the system of claim 20 wherein the documents comprise web pages and the computer network comprises an Internet [US 7216236 B2, Col 5, Ln 30].

3. Claim 2, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kou et al. [US 7216236 B2] hereinafter Kou, Glass et al. [US 5745714] hereinafter Glass, and further in view of Shahaf et al. [US 6490645 B1] hereinafter Shahaf.

Regarding claim 2, Kou and Glass teach the method of claim 1 further comprising: if the client computer does not have a pass to the website [US 7216236 B2, Col 6, Ln 49 – Client computer absent of a cookie with the “Registered” user type identifier reads on client computer not having a pass to the website.], determining if the client computer should be provided temporary access to the website instead of setting the blocking layer over the website [US 7216236 B2, Fig 4A, Itm 86].

Kou and Glass do not teach wherein the determining if the client computer should be provided temporary access is randomly determined.

Shahaf teaches an optimized random access scheme such that determining if a user should be provided access is randomly determined [US 6490645 B1, Col 3, Ln 16-24].

It would have been obvious to one of ordinary skill in the art at the time of invention to use Shahaf's optimized random access scheme in determining if the client computer should be provided temporary access. The suggestion/motivation for combining would have been to minimize conflict in which multiple users share a common resource [US 6490645 B1, Col 1, Ln 12-20]. Shahaf is an analogous art because it solves the problem of sharing a resource among multiple uncoordinated users that would otherwise cause bandwidth problems in accessing the requested website.

Claim 15 is rejected because it is the same subject matter as claim 2. [Examiner notes that document reads on objects/contents or web pages. Also, Examiner notes that any user-interface provides objects/contents for the users.]

Claim 22 is rejected because Kou, Glass, and Shahaf teaches all the limitations since it is the combined subject matter of claims 20 and 2.

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4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kou et al. [US 7216236 B2] hereinafter Kou, Glass et al. [US 5745714] hereinafter Glass, and further in view of Ide et al. [US 7162649 B1] hereinafter Ide.

Regarding claim 9, Kou and Glass teach the method of claim 1 further comprising: if the client computer does not have a pass to the website [US 7216236 B2, Col 6, Ln 49 – Client computer absent of a cookie with the “Registered” user type identifier reads on client computer not having a pass to the website.], providing the client computer temporary access to the website instead of setting the blocking layer over the web site without determining if the client computer is running a supported operating system [US 7216236 B2, Col 7, Ln 1-5].

Kou and Glass does not teach providing the client computer temporary access to the website instead of setting the blocking layer over the website, under the condition upon determination that the client computer is not running a supported operating system.

Ide teaches providing the client computer temporary access to the website [US 7162649 B1, Col 7, Ln 35-39], under the condition upon determination that the client computer is not running a supported operating system [US 7162649 B1, Col 6, Ln 55-67] [US 7162649 B1, Col 5, Ln 63 – Trusted platform reads on supported operating system.].

It would have been obvious to one of ordinary skill in the art at the time of invention to provide the client computer temporary access under the condition upon a determination that the client is not running a supported operating system as taught by Ide. The suggestion/motivation to combine would have been to have a method that can restrict access to a network service based on information about the integrity and security posture of the client computer that originates the service request [US 7162649 B1, Col 2, Ln 61-64]. Ide is analogous art because it solves the problem of restricting access to client computers with vulnerabilities.

Regarding claim 10, Kou, Glass and Ide teach the method of claim 1 further comprising: if the client computer does not have a pass to the website, determining if the client computer is running a supported web browser; and if the client computer is not running a supported web browser, providing the client computer temporary access to the website instead of setting the blocking layer over the web site. [Examiner notes that a supported web browser is intrinsic to a trusted platform.]

5. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kou et al. [US 7216236 B2] hereinafter Kou, Glass et al. [US 5745714] hereinafter Glass, and further in view of Massarani et al. [US 6751654 B2], hereinafter Massarani.

Regarding claim 12, Kou and Glass teach the method of claim 1 further comprising: if the client computer does not have a pass to the website [Examiner notes that client

computer absent of valid cookies read on client computer not having a pass to the website.], determining if cookies are enabled in the client computer [US 7216236 B2, Col 9, Ln 39-41].

Kou and Glass does not teach that if cookies are not enabled in the client computer, providing the client computer temporary access to the website instead of setting the blocking layer over the web site.

Massarani teaches determining if cookies are enabled in client computers [US 6751654 B2, Fig 3, Itm 106], and if cookies are not enabled in the client computer, being able to provide the client access to the website [US 6751654 B2, Col 3, Ln 20-34].

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Massarani's method of being able to provide the client access to the website even when cookies are not enabled. The suggestion/motivation for combining would have been to provide access to websites without the dependence of being able to receive cookies [US 6751654 B2, Col 1, Ln 36-47]. Massarani is an analogous art because it is the same field of controlling access to a website, and also solves the problem of being able to provide access without the dependence of receiving cookies.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Jeriko P. San Juan whose telephone number is 571-272-7875. The examiner can normally be reached on M-F 8:30a - 6:00p EST.

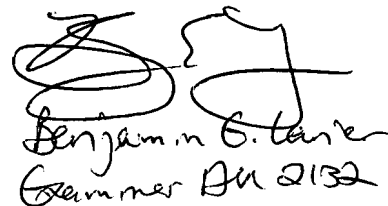
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MJSJ/

Martin Jeriko San Juan

Examiner. Art Unit 2132



Benjamin G. Lanier
Examiner Art Unit 2132